

# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,329	02/05/2004	Tom Long	FRIEL-104	8519
75	90 06/14/2006		EXAM	INER
Connolly Bove Lodge & Hutz LLP			FUQUA, SHAWNTINA T	
P.O. Box 2207 Wilmington, DE 19899-2207			ART UNIT	PAPER NUMBER
	, .,		3742	
			DATE MAILED: 06/14/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

This action is FINAL. 2b) ☐ This action is non-final.  3 ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☐ Claim(s) 1.19 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) 1.8 is/are allowed. 6) ☐ Claim(s) 1.2.9-17 and 19 is/are rejected. 7) ☐ Claim(s) 3.8 is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on 0.5 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received.		Application No.	Applicant(s)					
## Examiner   Shawmina T. Fuqua   3742    ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  ***Excessions of the rapy is appealed an order the prosecute of 37 CPR 1.73(b), in no event, however, may a reply be trinsify lited    **Excessions of the rapy is specified above, the maximum standary period will appeal and will appeal (MONTHS from the mains) date of this communication.  **Faluer to reply which the state extended price for reply will, by statute, cause the application to become ABANDONEO (30 U.S.C. § 133).  **Faluer to reply which the state extended price for reply will, by statute, cause the application to become ABANDONEO (30 U.S.C. § 133).  **Faluer to reply which the state extended price for reply will, by statute, cause the application to become ABANDONEO (30 U.S.C. § 133).  **Faluer to reply which the state extended price for reply will, by statute, cause the application to become ABANDONEO (30 U.S.C. § 133).  **Faluer to reply which the state extended price for reply will, by statute, cause the application to except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  **Disposition of Claims**  **Disposition of Claims**  **Application of United States** (Claims) is larger enjected.  **Glaims(s) 1.19 is large allowed.**  **Claims(s) 2.18 is/are allowed.**  **Claims(s) 3.28 is/are objected to by the Examiner.  **Application Papers**  **9   The specification is objected to by the Examiner.  **Operation of The Above Calmines** (Proceedings) is succepted or by objected to by the Examiner.  **Application Papers**  **Priority under 35 U.S.C. § 119  **10   All by Some **Cy None of:  1   Certified copies of the priority documents have been received in this National Stage application from the I		10/774,329	LONG ET AL.					
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Enthusion of time may be availated and the provisions of 3° CFR 1136(s), Inno event, however, may narry be attentive from the provision and the top posterior of 3° CFR 1136(s). Inno event, however, may narry be attentive from the realing date of this communication.  Failure to eight within the act or extended period for reply its posterior, are explication to born abANDOVED (20 IS 0.5, 133).  **Status**  **Status**  **Responsive to communication(s) filed on 05 February 2004.*  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  **Disposition of Claims**  4) Claim(s) 1.19 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1.29 is/are allowed.  6) Claim(s) 1.29 is/are allowed.  6) Claim(s) 1.29 is/are allowed.  7) Claim(s) 3.28 is/are objected to.  8) Claim(s) 1.28 is/are allowed.  8) The specification is objected to by the Examiner.  10) The part of advantage sheet(s) including the correction is required if the drawing(s) is objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  10) The oath or declaration is objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  10) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All by Some of the priority documents have been received in Application No	Office Action Summary		Art Unit					
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DAYE OF THIS COMMUNICATION.  - and SIX (6) MORTIST from the mailing date of this communication if No period reply is specified above, the maximum statutory period will by a function or reply to section the mailing date of this communication if No period reply is specified above, the maximum statutory period will go by an will aligned the mailing date of this communication if No period reply is specified above, the maximum statutory period will go by an will aligned the mailing date of this communication if No period reply is specified above, the maximum statutory period will go by an will aligned the mailing date of this communication if No period reply is period for reply will, by statuto, cause the application to become ARANDONED (35 U.S. § 133) second patent term adjustment. See 37 GFR 1.704(b).  Status  1) □ Responsive to communication(s) filled on 0.5 February 2004. 2a) □ This action is FINAL 2b) □ This action is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1.19 is/are pending in the application 4a) Of the above claim(s) is/are withdrawn from consideration 5b) □ Claim(s) 1.2.9-17 and 19 is/are rejected 7b) □ Claim(s) 1.2.9-17 and 19 is/are rejected 7b) □ Claim(s) 1.2.9-17 and 19 is/are rejected 7b) □ Claim(s) 1.2.9-17 and 19 is/are rejected to 8b) □ Claim(s) 1.2.9-17 and 19 is/are rejected to 8b) □ Claim(s) 1.2.9-17 and 19 is/are rejected to 8c) □ Claim(s) 1.2.9-17 and 19 is/are rejected to 9b) □ The specification is objected to by the Examiner 10b) □ The specification is objected to by the Examiner 10b) □ The specification is objected to by the Examiner 10b) □ The oath or declaration is objected to by the Examiner 10b) □ Claim(s) 1		Shawntina T. Fuqua	3742					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Entertions of ine many be available under the provision of 30° FR1-13(B), in ne event, howers, ring a rispy be timely filed.  If NO period for reply is specified above, the maximum statutory period will apply and will expire SEX (8) MONTHS from the malling date of this communication. Failur to reply will with the set of created period for reply will, by taktor, cause the application to become ARANDONE (30 U.S. C. § 133). Any resty received by ride for the maximum statutory period will apply and will expire SEX (8) MONTHS from the malling date of this communication. Plant of the communication of the communication and the communication of the communication and the communicat		i ·	orrespondence address					
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Eleasions of time may be available under the provided of 3° ZFR 1.13(6), in no event, however, may a reply be limbly field after SIX (6) MONTHS from the mailing date of this communication.  A property the state of the communication of	• •	VIS SET TO EXPIRE 2 MONTH/	S) OR THIRTY (30) DAVS					
1) ⊠ Responsive to communication(s) filed on 05 February 2004.  2a) ☐ This action is FINAL. 2b) ☑ This action is non-final.  3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☑ Claim(s) 1-19 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) ☑ Claim(s) 18 is/are allowed.  6) ☑ Claim(s) 1.2.9-17 and 19 is/are rejected.  7) ☑ Claim(s) 3-8 is/are objected to.  8) ☐ Claim(s) 3-8 is/are objected to.  8) ☐ Claim(s) 9-10 The specification is objected to by the Examiner.  10) ☑ The drawing(s) filed on 05 February 2004 is/are: a) ☑ accepted or b) ☐ objected to by the Examiner.  Application Papers  9) ☐ The specification is objected to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☐ Notice of Partisperson's Patent Drawing Review (PTO-948)  3) ☐ Internation Disclosure Statement(s) (PTO-1449 or PTO/SB00)	<ul> <li>WHICHEVER IS LONGER, FROM THE MAILING DA</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If NO period for reply is specified above, the maximum statutory period w</li> <li>Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing</li> </ul>	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).					
2a)  This action is FINAL. 2b)  This action is non-final. 3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-19 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5)  Claim(s) 18 is/are allowed. 6)  Claim(s) 1.2.9-17 and 19 is/are rejected. 7)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner. 10)  The drawing(s) filed on february 2004 is/are: a)  accepted or b)  objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)  All b)  Some * c) None of:	Status							
2a)  This action is FINAL. 2b)  This action is non-final. 3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-19 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5)  Claim(s) 18 is/are allowed. 6)  Claim(s) 1.2.9-17 and 19 is/are rejected. 7)  Claim(s) 3-8 is/are objected to. 8)  Claim(s) 3-8 is/are objected to. 9)  The specification is objected to by the Examiner. 10)  The drawing(s) filed on 05 February 2004 is/are: a)  accepted or b) objected to by the Examiner. Application Papers  9)  The specification is objected to by the Examiner. 10)  The drawing(s) filed on 05 February 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of 1.  Certified copies of the priority documents have been received 2.  Certified copies of the priority documents have been received in Application No 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.	1)⊠ Responsive to communication(s) filed on 05 Fe	ebruary 2004.						
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-19 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5)  Claim(s) 18 is/are allowed. 6)  Claim(s) 18 is/are allowed. 6)  Claim(s) 3-8 is/are objected to. 8)  Claim(s) 3-8 is/are objected to. 8)  Claim(s) 3-8 is/are objected to. 8)  Claim(s) 3-8 is/are objected to by the Examiner. 10)  The specification is objected to by the Examiner. 10)  The drawing(s) filed on 05 February 2004 is/are: a)  accepted or b)  objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)  All b)  Some * c)  None of: 1.  Certified copies of the priority documents have been received. 2.  Certified copies of the priority documents have been received in Application No 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.								
Application of Claims  4) ◯ Claim(s) 1-19 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5) ◯ Claim(s) 18 is/are allowed. 6) ◯ Claim(s) 1.2.9-17 and 19 is/are rejected. 7) ◯ Claim(s) 3-8 is/are objected to. 8) ◯ Claim(s) 3-8 is/are objected to. 8) ◯ Claim(s) 3-8 is/are objected to restriction and/or election requirement.  Application Papers  9) ◯ The specification is objected to by the Examiner. 10) ☒ The drawing(s) filled on 05 February 2004 is/are: a) ☒ accepted or b) ◯ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ◯ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ◯ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ◯ All b) ◯ Some * c) ◯ None of.  1. ◯ Certified copies of the priority documents have been received in Application No  3. ◯ Copies of the certified copies of the priority documents have been received in Application No  3. ◯ Copies of the certified copies of the priority documents have been received in Application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☒ Notice of References Cited (PTO-892)  20 ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)  21 ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)  22 ☒ Notice of Draftsperson's Patent Application (PTO-152)	3) Since this application is in condition for allowar	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
4)  Claim(s) 1-19 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) 18 is/are allowed. 6)  Claim(s) 1.2.9-17 and 19 is/are rejected. 7)  Claim(s) 3-8 is/are objected to. 8)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner. 10)  The drawing(s) filed on 25 February 2004 is/are: a)  accepted or b)  objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:  1.  Certified copies of the priority documents have been received. 2.  Certified copies of the priority documents have been received in Application No 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s) 1) Notice of References Cited (PTO-892)  Paper No(s)/Mail Date. Solid Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.					
4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) 18 is/are allowed.  6) □ Claim(s) 1.2.9·17 and 19 is/are rejected.  7) □ Claim(s) 3.8 is/are objected to.  8) □ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) ☑ The drawing(s) filed on 05 February 2004 is/are: a) ☑ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.	Disposition of Claims							
5) ☐ Claim(s) 18 is/are allowed. 6) ☐ Claim(s) 1.2.9-17 and 19 is/are rejected. 7) ☐ Claim(s) 3-8 is/are objected to. 8) ☐ Claim(s) 3-8 is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) ☐ The specification is objected to by the Examiner. 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s) 1) ☒ Notice of Partsperson's Patent Drawing Review (PTO-948) 2) ☐ Notice of Tartsperson's Patent Drawing Review (PTO-948) 2) ☐ Notice of Tartsperson's Patent Drawing Review (PTO-948) 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SI/08) 5) ☐ Notice of Informal Patent Application (PTO-152)	4)⊠ Claim(s) <u>1-19</u> is/are pending in the application.							
6) ☐ Claim(s) 1,2,9-17 and 19 is/are rejected. 7) ☐ Claim(s) 3-8 is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on _05 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) ☐ Notice of Informal Patent Application (PTO-152)	4a) Of the above claim(s) is/are withdraw							
7) ☐ Claim(s) 3-8 is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) ☐ The specification is objected to by the Examiner.  10) ☐ The drawing(s) filed on 05 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☐ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) ☐ Notice of Informal Patent Application (PTO-152)	)⊠ Claim(s) <u>18</u> is/are allowed.							
Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on 05 February 2004 is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of Draftsperson's Patent Drawing Review (PTO-948)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	6)⊠ Claim(s) <u>1,2,9-17 and 19</u> is/are rejected.	☑ Claim(s) <u>1,2,9-17 and 19</u> is/are rejected.						
Application Papers  9) ☐ The specification is objected to by the Examiner.  10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  Attachment(s)  1) ☒ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) ☐ Notice of Informal Patent Application (PTO-152)	·	☑ Claim(s) <u>3-8</u> is/are objected to.						
9) ☐ The specification is objected to by the Examiner.  10) ☑ The drawing(s) filed on 05 February 2004 is/are: a) ☑ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) ☐ Notice of Informal Patent Application (PTO-152)	8) Claim(s) are subject to restriction and/or	r election requirement.						
10) ☐ The drawing(s) filed on 05 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☐ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☐ Interview Summary (PTO-413)  Paper No(s)/Mail Date  5) ☐ Notice of Informal Patent Application (PTO-152)	Application Papers							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Informal Patent Application (PTO-152)	9) The specification is objected to by the Examiner.							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Informal Patent Application (PTO-152)								
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) ☐ Notice of Informal Patent Application (PTO-152)	•							
Priority under 35 U.S.C. § 119  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some col None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  Attachment(s)  Attachment(s)  Attachment(s)  A Notice of References Cited (PTO-892)  A Notice of Draftsperson's Patent Drawing Review (PTO-948)  B Notice of Informal Patent Application (PTO-152)	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)    Notice of References Cited (PTO-892)	11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) ☐ Notice of Informal Patent Application (PTO-152)	Priority under 35 U.S.C. § 119							
1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☒ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  1 ☐ Notice of Informal Patent Application (PTO-152)	12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☒ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) ☐ Notice of Informal Patent Application (PTO-152)								
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) ☐ Notice of Informal Patent Application (PTO-152)	1. Certified copies of the priority documents have been received.							
application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  Notice of Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  * See the attached detailed Office action for a list of the certified copies not received.    Attachment(s)	2. Certified copies of the priority documents have been received in Application No							
* See the attached detailed Office action for a list of the certified copies not received.  *Attachment(s)    1)								
Attachment(s)  1) Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Notice of Informal Patent Application (PTO-152)	· · · · · · · · · · · · · · · · · · ·							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152)	* See the attached detailed Office action for a list of the certified copies not received.							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152)								
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152)	Attachment(s)							
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Informal Patent Application (PTO-152)								
	Paper No(s)/Mail Date <u>8/1/05</u> .							

#### **DETAILED ACTION**

### Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Cohn (US3279351).

Cohn discloses an electrically heated kettle comprising a vessel (12) including a partially open immersible container (26) sized to allow passage of liquid and capable of holding a material (column 2, lines 15-25, 42-51), structure to hold container out of liquid until the liquid reaches the appropriate temperature (column 1, lines 64-69), to immerse or withdraw container into or from liquid as necessary (column 2, line 52-colun 3, line 35), structure to hold container is a rod (16) attached to container (26), and structure to hold container out of liquid is a mechanical arm actuated by a solenoid (column 3, lines 16-27).

3. Claims 9-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Husted et al (US6135010).

Husted et al discloses an electrically heated kettle comprising a vessel (30) for holding a liquid, an electric heater (11, 14) powered by a controller (16), a temperature sensor (15), an electrical processor to make a comparison of set temperature with temperature signal and to direct electrical controller to apply varying amounts of power to heater (column 3, line 62-

Application/Control Number: 10/774,329

Page 3

Art Unit: 3742

column 4, line 5), processor directs controller to apply maximum power to heat up and further directs heater to apply less than maximum power to heater (column, lines 16-23), a visual indicator (27) that annunciates when liquid reaches set temperature (column 4, lines 18-20), a user actuated electrical control to initiate brewing cycle time (column 4, lines 24-35), user control directs processor to direct controller to initiate the brewing cycle time and to terminate the maintenance of set temperature during the brewing cycle time (column 4, lines 24-35), a partially open immersible container (60) held by an electrically actuated holder (45) wherein the user actuated electrical control initiates the brewing cycle time and actuates the holder to allow the container to be immersed (column 3, lines 46-61), and an electric timer (28).

## Allowable Subject Matter

- 4. Claim 18 is allowed.
- 5. Claims 3-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawntina T. Fuqua whose telephone number is (571) 272-4779. The examiner can normally be reached on Monday-Friday 8-4:30 pm.

Application/Control Number: 10/774,329 Page 4

Art Unit: 3742

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

stf June 8, 2006 Shawntina Fuqua Patent Examiner Art Unit 3742